

Proposed Trailer Bill Language California Emergency Council Elimination

Section 1: Section 3101 of the Government Code is amended to read:

3101. For the purpose of this chapter the term "disaster service worker" includes all public employees and all volunteers in any disaster council or emergency organization accredited by the California Emergency Council. Management Agency. The term "public employees" includes all persons employed by the state or any county, city, city and county, state agency or public district, excluding aliens legally employed.

Section 2: Section 8557 of the Government Code is amended to read:

8557. ~~(a) "Emergency Council" means the California Emergency Council.~~

(a) ~~(b)~~ "State agency" means any department, division, independent establishment, or agency of the executive branch of the state government.

(b) ~~(c)~~ "Political subdivision" includes any city, city and county, county, district, or other local governmental agency or public agency authorized by law.

(c) ~~(d)~~ "Governing body" means the legislative body, trustees, or directors of a political subdivision.

(d) ~~(e)~~ "Chief executive" means that individual authorized by law to act for the governing body of a political subdivision.

(e) ~~(f)~~ "Disaster council" and "disaster service worker" have the meaning prescribed in Chapter 1 (commencing with Section 3201) of Part 1 of Division 4 of the Labor Code.

(f) ~~(g)~~ "Public facility" means any facility of the state or a political subdivision, which facility is owned, operated, or maintained, or any combination thereof, through moneys derived by taxation or assessment.

(g) ~~(h)~~ "Sudden and severe energy shortage" means a rapid, unforeseen shortage of energy, resulting from, but not limited to, events such as an embargo, sabotage, or natural disasters, and which has statewide, regional, or local impact.

Section 3: Section 8565.1 of the Government Code is added to read:

8565.1. Nothing herein shall operate to prevent the Governor from establishing a committee or board composed of heads of state agencies, should he deem it necessary to aid him in obtaining information or advice, assisting in developing or carrying out plans, or otherwise acting in accomplishment of the purposes of this chapter.

Section 4: Section 8567 of the Government Code is amended to read:

8567. (a) The Governor may make, amend, and rescind orders and regulations necessary to carry out the provisions of this chapter. The orders and regulations shall have the force and effect of law. Due consideration shall be given to the plans of the federal government in preparing the orders and regulations. The Governor shall cause widespread publicity and notice to be given to all such orders and regulations, or amendments or rescissions thereof.

(b) Orders and regulations, or amendments or rescissions thereof, issued during a state of war emergency or state of emergency shall be in writing and shall take effect immediately upon their issuance. Whenever the state of war emergency or state of emergency has been terminated, the orders and regulations shall be of no further force or effect.

(c) All orders and regulations relating to the use of funds pursuant to Article 16 (commencing with Section 8645) shall be prepared in advance of any commitment or expenditure of the funds. Other orders and regulations needed to carry out the provisions of this chapter shall, whenever practicable, be prepared in advance of a state of war emergency or state of emergency.

(d) All orders and regulations made in advance of a state of war emergency or state of emergency shall be in writing, shall be exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2, 2, ~~but shall be subject to the approval of the Emergency Council.~~ As soon thereafter as possible they shall be filed in the office of the Secretary of State and with the county clerk of each county.

Section 5: Section 8575 of the Government Code is amended to read:

~~8575. (a) There is hereby created a California Emergency Council, to consist of all of the following members:~~

- ~~—(1) The Governor, or an alternate appointed by him or her.~~
- ~~—(2) The Lieutenant Governor, or an alternate appointed by him or her.~~
- ~~—(3) The Attorney General, or an alternate appointed by him or her.~~
- ~~—(4) One representative of the city governments of the state and one representative of the county governments of the state, to be appointed by the Governor and to serve at his or her pleasure, except that these members shall be from different counties.~~
- ~~—(5) One representative of the American National Red Cross, to be appointed by the Governor.~~
- ~~—(6) One representative of the city or county fire services of the state and one representative of the city or county law enforcement services of the state, to be appointed by the Governor and to serve at his or her pleasure, except that these members shall be from different counties.~~
- ~~—(7) One representative of a local public health agency, to be appointed by the Governor and to serve at his or her pleasure.~~
- ~~—(b) The President pro Tempore of the Senate and the Speaker of the Assembly shall meet with and participate in the work of the Emergency Council to the same extent as members of the council appointed by the Governor, except when that participation is constitutionally incompatible with their respective positions as Members of the Legislature.~~
- ~~—(c) If the President pro Tempore of the Senate does not desire to serve on the Emergency Council, the Senate Rules Committee may appoint a Member of the Senate to serve in his or her stead. If the Speaker of the Assembly does not desire to serve on the Emergency Council, he or she may appoint a Member of the Assembly to serve in his or her stead.~~

~~8575. For the purposes of the California Disaster and Civil Defense Master Mutual Aid Agreement, the California Emergency Management Agency will serve as the State Disaster Council.~~

Section 6: Section 8576 of the Government Code is repealed:

~~8576. (a) The Governor shall be ex officio Chairperson of the Emergency Council.~~

~~—(b) The California Emergency Management Agency shall provide staff support to the Emergency Council as necessary.~~

Section 7: Section 8577 of the Government Code is repealed:

~~8577. Neither the members of the Emergency Council nor the Members of the Legislature shall receive compensation for their services under this chapter, but they shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder.~~

Section 8: Section 8578 of the Government Code is repealed:

~~8578. The Emergency Council shall meet upon call of the Governor, not less frequently than annually. Except during a state of war emergency or a state of emergency, notice of such meeting shall be given to each member not less than 15 days prior to the day selected by the Governor for the meeting of the Emergency Council.~~

Section 9: Section 8579 of the Government Code is repealed:

~~8579. (a) It shall be the duty of the Emergency Council, and it is hereby empowered, to act as an advisory body to the Governor in times of emergency and with reference thereto in order to minimize the effects of those occurrences by recommending ameliorative action.~~

~~—(b) The powers and duties of the Emergency Council shall include all of the following:~~

~~—(1) To consider, recommend, and approve orders and regulations that are within the province of the Governor to promulgate.~~

~~—(2) To consider and recommend to the Governor for approval the boundaries of any mutual aid regions of the state as may be designated.~~

~~—(3) To recommend to the Governor the assignment of any responsibility, service, or activity relative to emergencies or emergency planning to a state agency having duties related to that responsibility, service, or activity.~~

~~—(4) To consider and recommend the creation by the Governor of advisory committees in order to make civilian participation and cooperation in emergency planning and activities available to the state.~~

~~—(5) To consider and recommend the expenditures of moneys appropriated for any of the objectives or purposes of this chapter.~~

~~—(6) To consider and recommend to the Governor for approval a State Emergency Plan built around mutual aid and the integration into that plan of the several state agencies whose resources are necessary in coping with emergencies.~~

~~—(7) To encourage the development and maintenance of emergency plans based on mutual aid, where under political subdivisions may most effectively protect life and property and mitigate other effects of emergencies.~~

~~—(8) To evaluate and report to the Governor on state communications systems with particular regard to their adequacy in case of emergency.~~

~~—(9) To encourage the individual and integrated emergency preparedness efforts of communities, businesses, and schools.~~

~~—(c) (1) The Emergency Council shall, at a minimum, have the following two standing advisory committees, with members selected by the Governor:~~

~~—(A) An advisory committee composed of representatives of volunteer organizations that aid or prepare their communities for potential disasters.~~

~~—(B) An advisory committee composed of the business leaders representing businesses in the state that will work in partnership with government to prepare businesses and communities for potential disasters.~~

~~—(2) The duties of the advisory committees shall include, but not be limited to, all of the following:~~

- ~~—(A) Developing and promoting statewide initiatives and programs to better prepare communities, businesses, and schools to survive disasters.~~
- ~~—(B) Advising the Emergency Council on how public, private, and nonprofit entities can provide resources, assets, personnel, volunteers, and any other relevant services to fully integrate the private sector into the state's emergency preparedness, mitigation, response, and recovery plans.~~
- ~~—(C) Advising the Emergency Council on appropriate agreements to provide for quick access to emergency supplies and services in order to minimize the need to stockpile those supplies.~~
- ~~—(3) The members of the advisory committees shall receive no compensation for their service.~~
- ~~—(d) When the Emergency Council is not meeting, the California Emergency Management Agency shall provide notice to the members of the council of any state of emergency proclaimed by the Governor pursuant to Section 8558, as soon as practical after the issuance of the proclamation. The notification shall include the status of emergency activities.~~

Section 10: Section 8582 of the Government Code is repealed:

~~8582. Nothing herein shall operate to prevent the Governor from establishing a committee or board composed of heads of state agencies, should he deem it necessary to aid him or the Emergency Council or both in obtaining information or advice, assisting in developing or carrying out plans, or otherwise acting in accomplishment of the purposes of this chapter.~~

Section 11: Section 8585.2 of the Government Code is amended to read:

8585.2. (a) All employees serving in state civil service, other than temporary employees, who are engaged in the performance of functions transferred to the agency or engaged in the administration of law, the administration of which is transferred to the agency, are transferred to the agency. The status, positions, and rights of those persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5), except as to positions the duties of which are vested in a position exempt from civil service. The personnel records of all transferred employees shall be transferred to the agency.

(b) The property of any agency or department related to functions transferred to the California Emergency Management Agency is transferred to the agency. If any doubt arises as to where that property is transferred, the Department of General Services shall determine where the property is transferred.

(c) All unexpended balances of appropriations and other funds available for use in connection with any function or the administration of any law transferred to the agency shall be transferred to the agency for use for the purpose for which the appropriation was originally made or the funds were originally available. If there is any doubt as to where those balances and funds are transferred, the Department of Finance shall determine where the balances and funds are transferred.

~~(d) Beginning July 1, 2011, and biennially thereafter, the California Emergency Management Agency shall submit a report to the Legislature as described in this subdivision. The California Emergency Management Agency may consult with other public safety agencies, including the California Emergency Council, in the development of this report. The report shall include information on all of the following:~~

- ~~—(1) Agency progress in all of its primary program areas.~~

- ~~—(2) Agency allocation of grants to local agencies and nonprofit organizations.~~
- ~~—(3) Any identified gaps in program progress or efficiency.~~
- ~~—(4) Agency strategy for program improvements, investments, and goals for the next two years.~~

Section 12: Section 8600 of the Government Code is amended to read:

8600. The Governor with the advice of the ~~Emergency Council~~ California Emergency Management Agency is hereby authorized and empowered to divide the state into mutual aid regions for the more effective application, administration, and coordination of mutual aid and other emergency-related activities.

Section 13: Section 8624 of the Government Code is amended to read:

8624. ~~(a) Whenever it appears that a state of war emergency will continue for more than seven days, the Governor shall call a meeting of the Emergency Council not later than the seventh day.~~

~~(b)~~ (a) All of the powers granted the Governor by this chapter with respect to a state of war emergency shall terminate when:

(1) The state of war emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end; or

~~—(2) The Governor has failed to call a meeting of the Emergency Council within the period prescribed in subdivision (a) of this section; or~~

~~(3)~~ (2) The Governor has not within 30 days after the beginning of such state of war emergency issued a call for a special session of the Legislature for the purpose of legislating on subjects relating to such state of war emergency, except when the Legislature is already convened with power to legislate on such subjects.